## UNITED STATES DISTRICT COURT DISTRICT OF NEVADA RENO, NEVADA

JANET STODDARD, next friend and mother of ERICA STODDARD, ERICA STODDARD, individually,	) 3:10-cv-00759-ECR-RAM ) MINUTES OF THE COURT		
Plaintiffs,	DATE: August 5, 2011		
vs.	) )		
FORD MOTOR COMPANY,	) )		
Defendant.	) )		
PRESENT: EDWARD C. REED, JR.	U. S. DISTRICT JUDGE		
Deputy Clerk: <u>COLLEEN LARSEN</u>	Reporter: NONE APPEARING		
Counsel for Plaintiff(s)	NONE APPEARING		
Counsel for Defendant(s)	NONE APPEARING		

## MINUTE ORDER IN CHAMBERS

This is a products liability case arising out of an alleged defect in certain Ford Escape vehicles manufactured by Defendant.

Defendant filed a partial motion (#5) to dismiss on December 13, 2010. Plaintiffs opposed (#7) and Defendant replied (#8). The motion is ripe, and we now rule on it.

Defendant moves to dismiss Plaintiffs' claim for punitive damages for failure to allege sufficient facts. Under Nevada law, punitive damages are warranted if a defendant "has been guilty of oppression, fraud or malice, express or implied." Nevada Revised Statutes § 42.005. Plaintiffs have failed to allege any facts in the complaint (#1 Ex. 1) to indicate that Defendant is guilty of oppression, fraud or malice.

IT IS, THEREFORE, HEREBY ORDERED that Defendant's partial motion (#5) to dismiss is **GRANTED**. Plaintiff shall have twenty-one (21) days within which to file an amended complaint. If Plaintiff chooses not to file an amended complaint, this case will proceed with respect to the claim not dismissed by this order.

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